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Attorney's Docket No.:41260.004

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

Stanley C. Antosh and
Anthony J. Meduri

Serial No.: 10/710,830

Filed: 08/05/2004

For the Invention of:

USE OF METHYL PYRUVATE FOR THE
PURPOSE OF REDUCING WEIGHT GAIN
IN MAMMALS

Group Art Unit No. 4133

Examiner:
Joseph S. Kudla

Telephone: (571) 272-8102

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THOMAS I. ROZSA
Registration No. 29,210

Signature and Date

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

1. The Office Action on the Application Serial No. 10/710,830 (hereafter the "830 Application") mailed on November 1, 2007 is hereby acknowledged. This Response To Restriction Requirement is being mailed by Express Mail, Mail Label No. EM 040566757 US, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on November 30, 2007. The shortened statutory period of one (1) month time period for response to this Office Action expires on December 1, 2007. Therefore, this Response to Restriction Requirement is timely filed. In the event that the Commissioner for Patents should determine that any extension of time is required for this Response to Restriction Requirement to be timely filed and an appropriate fee is due for that

1 extension of time, then the Commissioner for Patents is hereby authorized to charge Deposit
2 Account Number 18-2222 for such appropriate fee.

3 2. The Examiner has stated that ~~he~~ believes that the '830 Application involves the
4 following two patentably distinct invention:

5 Group I are Claims 1-17 and 20-28, drawn to a method of controlling the weight or to
6 induce a weight loss or to reduce an expected weight gain from a given diet in a mammal with
7 the use of methyl pyruvate or methyl pyruvic acid.


8 Group II are Claims 18-19 and 29-30, drawn to a method for increasing the protein
9 concentration in the body of a mammal, which comprises administering an amount of methyl
10 pyruvate or methyl pyruvic acid.

11 3. In accordance with the Examiner's restriction requirement, the Applicant hereby
12 elects Group I, Claims 1-17 and 20-28 for further consideration. This election is made with
13 traverse. The Applicant respectfully disagrees with the Patent Examiner because the Applicant
14 believes that the claims are inextricably tied as one invention. The reason is that fat loss and
15 increased protein concentration are inextricably linked because when fat is lost from the body
16 (by whatever mechanism), what is left behind is carbohydrate, muscle, bone, organs, etc. etc.
17 etc., as the body fat percentage is reduced. Therefore, muscle concentration (and everything
18 else) must necessarily increase linearly with fat loss. The invention also involves increasing
19 "Body Protein Concentration" (lean body mass - muscle) as part of the same invention that
20 cannot be separated. For these reasons, the election is made with traverse.

21 4. Issuance of an action on the merits is now respectfully solicited.

22 Respectfully submitted,

23 Date: November 30, 2007

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